

1 WEST VALLEY CITY, UTAH

2
3 ORDINANCE NO. _____

4
5 Draft Date: 10/21/2015

6 Date Adopted: _____

7 Date Effective: _____

8
9 AN ORDINANCE AMENDING SECTION 7-5-101 OF
10 THE WEST VALLEY CITY MUNICIPAL CODE
11 GOVERNING THE REZONING OF PROPERTY
12 WITHIN THE CITY.
13

14 WHEREAS, the Municipal Land Use, Development, and Management Act (“LUDMA”)
15 grants authority to the City to define zones within the City and enact regulations applicable to
16 those zones; and
17

18 WHEREAS, the availability of a variety of housing types for City residents is a
19 compelling interest and essential goal for the City Council; and
20

21 WHEREAS, the City Council wishes to provide additional flexibility for the
22 development of certain infill properties; and
23

24 WHEREAS, the City Council wishes to provide for multifamily residential development
25 on properties where mass transit and higher intensity uses are present and desirable; and
26

27 WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is
28 in the best interests of the health, safety, and welfare of the citizens of West Valley City to
29 amend Section 7-5-101 of the West Valley City Municipal Code as set forth below.
30

31 NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City,
32 Utah, as follows:
33

34 Section 1. Repealer. Any provision of the West Valley City Municipal Code found
35 to be in conflict with this Ordinance is hereby repealed.
36

37 Section 2. Amendment. Section 7-5-101 is hereby amended as follows:
38

39 7-5-101. ZONING AMENDMENTS.
40

41 (1) The City Council may, from time to time, on its own motion or pursuant to an application,
42 amend the number, shape, boundaries or area of any zoning district, or any regulation of or
43 within any zoning district or any other provisions of the zoning ordinances. Any such
44 proposed amendment shall first be submitted to the Planning Commission for
45 recommendation. Zoning amendments approved, or receiving a recommendation other than
46 disapproval by the Planning Commission, will be considered by the City Council as provided
47 in this Section. Applications disapproved by the Planning Commission shall not be

considered by the City Council except upon written request by the applicant to the City Council, as provided in this Section.

- (2) Before finally adopting any amendment recommended or approved by the Planning Commission, the City Council shall hold a public hearing.
- (3) Except as provided in subsections (4) and (5) below, Property within City limits may only be amended or rezoned to the following zones: A-2, A-1, A, RE, C-1, C-2, C-3, BRP, MXD, CC and M.
- (4) Property within City limits may only be amended or rezoned to the RM zone if all of the following conditions are met:
 - a. For properties without existing structures which are proposed to be developed, the property must be a minimum of two acres and the density must not exceed twelve units per acre. For properties with existing structures proposed to be redeveloped, there is no minimum acreage requirement, but the density must not exceed twenty units per acre;
 - b. The property shall either i) have access and frontage on a street with a planned right-of-way width of at least 80' as indicated on the Major Street Plan or ii) be adjacent to existing multifamily residential development on two sides; and
 - c. A development agreement must be proposed with the zone change application that addresses dwelling unit sizes, exterior materials, architecture, landscaping, and project amenities.
- (5) Property within City limits may be amended or rezoned to the R-1-7, R-1-8, R-1-10, or R-1-12 zones if the property is less than two acres in area as of the effective date of this ordinance. Properties under two acres created or subdivided after the effective date of this ordinance shall not be eligible to apply for the R-1-7, R-1-8, R-1-10, or R-1-12 zones.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this _____ day of _____, 2015.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER